Aboriginal Affairs and Northern Development Canada
Affaires autochtones et Développement du Nord Canada

Annual Report to Parliament

Access to Information Act

2010 - 2011

Canada

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Annual Report to Parliament

Access to Information Act

Aboriginal Affairs and Northern Development Canada 2010 - 2011

Note to Readers:

On May 18, 2011, Prime Minister Stephen Harper announced his new Cabinet. Minister John Duncan continues in this portfolio. However, the Minister's title is changing from Indian Affairs and Northern Development to Aboriginal Affairs and Northern Development.

Effective June 13, 2011, for general public use, the new applied title for the department under the Government of Canada's Federal Identity Program (FIP) is **Aboriginal Affairs and Northern Development Canada (AANDC).**

Please see www.ainc-inac.gc.ca/ai/aand-eng.asp for more information.

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1. Introduction

The purpose of the *Access to Information Act (ATIA)* is to provide Canadians with access to records under the control of federal institutions, except for records subject to limited and specific exemptions and exclusions.

This report to Parliament describes the activities of Aboriginal Affairs and Northern Development (AANDC) that support compliance with the *ATIA* pursuant to section 72 of the *ATIA*. The report details the activities and accomplishments of the AANDC's Access to Information and Privacy (ATIP) Directorate, including highlights such as:

- Continued promoting of timely access to records by delegating full authority under the *ATIA* to the AANDC ATIP Coordinator
- Launching a proactive disclosure web page for summaries of completed Access to Information (ATI) requests
- Undertaking a backlog resolution strategy to eliminate all deemed refusals by Q3, 2011-12
- Focusing on eliminating barriers to access to AANDC's records, and specifically the waiving of $44K in access fees
- Delivering 19 training sessions to 275 staff in French and English

AANDC is responsible for two separate yet equally important mandates: *Indian and Inuit Affairs* and *Northern Development*. This broad mandate is derived largely from the *Department of Indian Affairs and Northern Development Act*, the *Indian Act*, and the territorial acts and legal obligations arising from section 91(24) of the *Constitution Act*. The Department is responsible for administering more than 50 statutes in total. Consequently, AANDC's mandate is complex and its responsibilities encompass a broad spectrum of programs.

The Department is responsible for meeting the Government of Canada's obligations and commitments to First Nations, Inuit and Métis and for fulfilling the federal government's constitutional responsibilities in the North.

The Minister of Aboriginal Affairs and Northern Development is also the Federal Interlocutor for Métis and Non-Status Indians. The Federal Interlocutor's role is to provide a point of contact between the Government of Canada and Métis, Non-Status Indians and urban Aboriginal peoples. The goal of this relationship is to advocate for and work with off-reserve Aboriginal Canadians in order to achieve equal services to those living on reserves.

2. Organization

The ATIP Directorate is responsible for the administration of requests made under the *ATIA*. It was established within the Corporate Secretariat and reports to the Corporate Secretary, who is directly accountable to the Deputy Head and is a member of the AANDC Senior Management

Committee (SMC). The Directorate also coordinates and implements policies, guidelines and procedures to ensure departmental compliance with the *ATIA*. Workshop presentations, training courses and awareness sessions designed to increase knowledge and understanding of ATI and Privacy issues and concerns across the Department are also provided by the Directorate.

The Directorate is comprised of two divisions, the ATIP Unit and the Privacy Policy Division. The ATIP Unit consists of the following positions:

- Director, who, as institutional ATIP Coordinator, also holds full delegated authority under the *ATIA*;
- Reporting Analyst, who supports the Director in satisfying regular reporting requirements to external and internal stakeholders;
- Administrative Assistant, who supports the Director in day-to-day administrative and organizational tasks; and
- two Senior Advisors (Team Leaders), each of whom are responsible for the oversight of request administration by their team of Analysts, including review of completed requests, training and capacity building;
- ten Analysts (4 x PM-04, 4 x PM-03, 2 x PM-02), divided into two teams under each Team Leader, who process requests of varying volume and complexity based on their level; and
- four Clerks, who enter all applications into the electronic system, acknowledge requests, perform imaging services and are responsible for other administrative tasks.

During the 2010-2011 reporting period, the ATIP Unit was challenged by a number of vacancies in its organizational structure. This created a gap in analytical capacity and resulted in reliance on support from ATI consultants.

3. Delegation Order

Under section 73 of the *ATIA*, the Minister's authority is delegated to departmental officials in order to administer the *ATIA* within AANDC.

At the outset of the reporting period, a delegation order dated May 26, 2008 was still in effect (Appendix A). This delegation order designated the following positions as having the authority to administer the *ATIA*:

- Corporate Secretary
- Departmental ATIP Coordinator
- Designated officers to act in place of the above position holders in their absence

A new delegation order was signed on November 3rd, 2010 following AANDC's transition to a new Minister (Appendix B). Under section 73 of the *ATIA*, the order delegated full authority and responsibility for the *ATIA* to the Corporate Secretary and to the Departmental ATIP Coordinator within the Corporate Secretariat. Fully delegated authority to the ATIP Coordinator ensured AANDC's continued commitment to timely administration of requests.

4. Interpretation of the Statistical Report

The Statistical Report was submitted to the Treasury Board Secretariat (TBS) on May 27, 2011 (Appendix C). The Statistical Report details all aspects of the requests the ATIP Unit received and processed during the period of April 1, 2010 to March 31, 2011. During the reporting period, 278 requests were processed, while 134 active files will be carried over to the next year.

4.1 Sources of Requests

The sources of *ATIA* requests received during the reporting period from April 1, 2010 and March 31, 2011 are included below in *Table 1*.

Table 1: Sources of ATI requests for the 2010-2011 reporting period.

Source	Number of Requests	Percentage (%)
Public	162	51.92
Media	77	24.68
Organization	33	10.58
Business	27	8.65
Academia	13	4.17
Total	**312**	**100**

As *Table 1* shows, the ATIP Unit received the majority its access requests from the public – 162 (51.92%), followed by requests from media – 77 (24.68%).

The public encompasses requests received from any member of the Canadian public, including individual band members. These requesters are predominantly interested in issues affecting reserves, namely, surveys, water treatment, law enforcement, post-secondary education, treaty land entitlements, by-law agreements, elections and lands.

Media requests often revolve around money matters – salaries of chiefs and counselors, grants and contributions, funding to First Nations, audit reports and operational costs.

4.2 Requests Received

The number of *ATIA* requests received during the reporting period from April 1, 2010 and March 31, 2011 is included in *Table 2*.

Table 2. ATI requests received during the 2010-2011 reporting period.		
Requests	**Number of Requests**	**Percentage (%)**
Received during reporting period	312	75.73
Carried forward from previous year	100	24.25
Total	**412**	**100**

The Unit received 312 requests for information under the *ATIA*. In addition, 100 requests were carried over from the previous fiscal year, for a total of 412 requests. Compared to the previous year, the number of requests received did not significantly change between 2009-2010 and 2010-2011 (increase of 12 requests). The number of requests carried over from the previous fiscal year (100 requests), however, was 20 requests lower than the number carried over the year before.

4.3 Disposition of Completed Requests

The disposition of completed ATI requests during the reporting period from April 1, 2010 and March 31, 2011 is included below in *Table 3*.

Table 3. Disposition of completed ATI requests from the 2010-2011 reporting period.		
Disposition	**Number of Requests**	**Percentage (%)**
Disclosed in Part	90	32.37
Abandoned by the Applicant	83	29.86
Unable to Process	43	15.47
All Disclosed	39	14.03
Nothing Disclosed (Exempted)	17	6.12
Transferred	3	1.08
Treated Informally	2	0.72
Nothing Disclosed (Excluded)	1	0.35
Total	**278**	**100**

The most frequent outcome of the requests processed during the reporting period was Partial Disclosure, which occurred with 90 requests (32.37%). By nature, many of the records requested contain personal information and/or third party financial, scientific or technical information protected under subsections 19(1) and 20(1)(b) of the *ATIA*, respectively.

The second-most frequent outcome was Abandoned by the Applicant, which occurred with 83 requests (29.86%). Backlog files were closed when requesters were no longer interested in their initial request, agreed to have their files treated informally, or re-scoped in such a manner that a new file was opened for administrative purposes.

The third-most frequent outcome was Unable to Process, which occurred in 43 requests (15.47%). The ATIP Unit was unable to process requests seeking access to records that were not under AANDC's control.

4.4 Exemptions Invoked

A list of *ATIA* exemptions invoked during the reporting period from April 1, 2010 and March 31, 2011 is included below in *Table 4*.

Table 4. Exemptions invoked during the 2010-2011 reporting period.

Section of the *ATIA*	Number of Requests	Percentage (%)
13(1)(c)	4	1.76
14	3	1.30
15(1) (Defence)	2	0.87
16(1)(c)	3	1.30
16(2)	3	1.30
17	3	1.30
18(a)	7	3.31
18(b)	1	0.41
18(d)	2	0.87
Subtotal for section 18	*10*	*4.41*
19(1)	71	31.28
20(1)(a)	1	0.41
20(1)(b)	33	14.54
20(1)(c)	18	7.93
20(1)(d)	9	3.96
Subtotal for subsection 20(1)	*61*	*26.87*
21(1)(a)	19	8.37
21(1)(b)	17	7.49
21(1)(c)	10	4.41
21(1)(d)	3	1.30
Subtotal for subsection 21(1)	*49*	*21.59*
22	4	1.75
23	13	5.73
26	1	0.41
Total	**227**	**100**

As was the case in previous years, the most common exemption invoked during the reporting period was the severing of personal information pursuant subsection 19(1), which was cited in 71 (31.28%) release packages.

The second-most frequent exemption applied was under paragraph 20(1)(b), which protects financial, scientific or technical information of third parties. This exemption was applied in 33 (14.54%) requests.

4.5 Exclusions Cited

A list of *ATIA* exclusions cited during the reporting period from April 1, 2010 and March 31, 2011 is included in *Table 5*.

Table 5. Exclusions cited during the 2010-2011 reporting period.

Section of the Act	Number of Citations	Percentage (%)
68(a)	4	23.53
69(1)(a)	1	5.88
69(1)(d)	2	11.76
69(1)(e)	3	17.65
69(1)(g)	7	41.18
Subtotal for subsection 69(1)	*13*	*76.47*
Total	**17**	**100**

During the reporting period, exclusions were cited predominantly under subsection 69(1), which were applied in 13 requests (76.47%). These exclusions can be attributed to the process of requesting funding via TBS Submissions and Memoranda to Cabinet.

4.6 Completion Times

The completion times required for each processed request during the reporting period from April 1, 2010 and March 31, 2011 are captured below in *Table 6*.

Table 6. Completion times for requests received during the 2010-2011 reporting period.

Period	Number of Requests	Percentage (%)
30 days or less	94	33.81
31-60 days	47	16.91
61-120 days	47	16.91
181 days or over	90	32.37
Total	**278**	**100**

The ATIP Unit was successful in responding to 94 (33.81%) access requests within the legislated timeframe of 30 days without the application of extensions. Beyond the 30 day timeframe, 47 (16.91%) requests were completed within an additional 30 days while 47 (16.91%) requests required between 61 and 120 days to complete. According to *Table 6*, 90 (32.37%) requests required over 180 days to process.

4.7 Extensions

The completion times required for each processed request during the reporting period from April 1, 2010 and March 31, 2011 are captured in *Table 7*.

Table 7. Extensions to the statutory timelines applied during the 2010-2011 reporting period.

Reason	30 Days or Less	31 Days or More	Total	Percentage (%)
Volume/Searching	20	29	49	47.57
Third Party	2	26	28	27.19
Consultation	8	18	26	25.24
Total	**30**	**73**	**103**	**100**

The most significant reason for extending the statutory timeline was due to volume, which occurred in 49 requests (47.57%). The majority of extensions (73) that were applied to requests were longer than 31 days.

4.8 Translations

There were no translations requested during the reporting period.

4.9 Method of Access

The methods of access provided by AANDC during the reporting period from April 1, 2010 and March 31, 2011 are shown below in *Table 8*.

Table 8. Method of access for requests received during the 2010-2011 reporting period.

Method	Number of Occurrences	Percentage (%)
Copies given	128	100
Total	**129**	**100**

The exclusive method of access to records requested under the *ATIA* was the distribution of copies, including digital copies when the requester had proper means to access them. The ATIP Unit did not receive any requests to provide the applicant an opportunity to examine the records requested.

4.10 Fees and Costs

The fees charged and waived over the reporting period from April 1, 2010 and March 31, 2011 are indicated below in *Table 9*.

Table 9. Fees received during the 2010-2011 reporting period.

Type of Fee	Amount
Application	$,1350.00
Reproduction	$1,275.70
Total	**$2,625.70**

Fees Waived	Frequency	Amount
$25.00 or under	27	$180.80
Over $25.00	37	$44,268.91
Total	**64**	**$44,449.71**

For the 2010-2011 reporting period, AANDC collected $1,350.00 in application fees and $1,275.70 in reproduction costs. AANDC succeeded in waiving $44,449.70 in fees over $25.00 and $180.80 in fees under $25.00.

The costs incurred during the reporting period from April 1, 2010 and March 31, 2011 are included below in *Table 10*.

Table 10. Costs to administer the AANDC ATIP Unit during the 2010-2011 reporting period.

Financial	Amount
Salary	$739,897.34
Administration (O&M)	$110,515.51
Total	**$850,412.85**
Person Year (decimal format)	**10.95**

Costs incurred during the reporting period are calculated based on the salaries of ATIP Directorate employees (10.95 FTEs) and the Operational and Management (O&M) expenses associated with the administration of the *ATIA*. A significant proportion of the O&M expenses were for the hiring of temporary help services and ATIP consultants to treat large volume of requests.

5. Other ATIP Directorate Functions

The ATIP Unit also processes other types of files, including informal requests such as Access Consultation (AC), Access Informal (AI), and Pre-posting of Audits (AU). All of these files lend significantly to the workload in ATIP. As such, in the 2010-2011 reporting period, over 2,700 requests were received in the ATIP Directorate.

5.1 Consultations from Other Institutions

When a request contains records that are of interest to another institution, the ATIP Coordinator of that institution is consulted. AANDC was consulted in 135 cases in the 2010-2011 reporting period, totaling a volume of over 3,400 pages provided by different levels of government.

5.2 Informal Treatment of Access Requests

AANDC receives requests for information that can be answered without citing the *ATIA* but keeping within the spirit of the legislation. No $5 application fee is required.

Requests are treated informally when the information requested is mostly in the public domain or can be disclosed for other reasons (ex. a band audit to a band member). When requests are processed informally, applicants do not have the right to complain to the Information Commissioner.

Any request for a copy of a release package from a previously completed ATI request, as listed on the AANDC Proactive Disclosure web page, is captured as an informal access request. Over the 2010-2011 reporting period, 141 access requests were treated through informal means.

6. Complaints and Investigations

Every complaint that AANDC receives is pursued diligently. *Table 11* indicates the complaints registered with the OIC over the reporting period from April 1, 2010 and March 31, 2011.

Table 11: Complaints filed with the Information Commissioner during the 2010-2011 reporting period

Type of Complaint	Number of Complaints	Percentage (%)
Delay (deemed refusal)	18	38.30
Time Extension	10	21.28
Exemption/Exclusion	8	17.02
Miscellaneous	7	14.88
Fees	2	4.26
No Records/Incomplete Search	2	4.26
Total	**47**	**100**

During the 2010-2011 reporting period, 47 complaints against the Department were filed with the Office of the Information Commissioner (OIC) in relation to the processing of requests under the *ATIA*. The largest proportion of complaints – 18 (38.30%) – resulted from citations of delay (deemed refusal) in giving access to records. The second greatest reason for complaints was the application of time extensions and exemptions/exclusions, which attributed to 10 (21.28%) and eight (17.02%) complaints, respectively.

In addition to the complaints incurred this year, 32 complaints were carried over from the previous year.

Table 12 lists the outcome of complaints registered with the OIC over the reporting period from April 1, 2010 and March 31, 2011.

Table 12: Outcome of complaints investigated by the Information Commissioner during the 2010-2011 reporting period

Outcome	Number of Occurrences	Percentage (%)
Well founded (Resolved)	23	74.19
Discontinued	5	16.13
Not well founded/unsubstantiated	3	9.68
Total	**31**	**100**

As *Table 12* indicates, 31 investigations were completed in 2010-2011 while 57 complaints will be carried over to the next reporting period. Of the 31 completed investigations, the OIC concluded that three complaints (9.68%) were not substantiated, 23 complaints (74.19%) were well-founded, and five complaints (16.13%) were discontinued. Each of the 23 well-founded complaints were resolved.

7. AANDC Highlights in 2010-2011

AANDC supports and emphasizes a culture of openness through the efficient processing of access requests. AANDC is actively committed to transparency through compliance with the *ATIA* and its corporate policies and procedures on the subject. Over the 2010-2011 fiscal year, AANDC made progress in working towards a solution-oriented culture that relies on efficient processing of access requests, and building education and awareness on access to information throughout the Department. Highlights of the year include:

7.1 Education and Training

Educating staff on the *ATIA*, its implications on the Department and its functions are of paramount importance to AANDC.

It has become clear in recent years that the ability to access government records is of great interest and concern to the public. Openness, accountability and speed of service, with regard to requestors' right of access to government records, are some of the key areas of focus in AANDC's educational training on the *ATIA*.

Furthermore, with a solid understanding of the *ATIA*, staff are better able to handle requests for records and respond with confidence and efficiency. Therefore, AANDC has made it a priority to train staff on understanding and implementing the TBS policies and procedures related to the *ATIA*.

Altogether AANDC has run 19 ATIP training sessions in the 2010-2011 fiscal year. Nine of the ATIP sessions were conducted in English and 10 sessions were conducted in French. Each session averaged approximately three hours in length. During the reporting period, the ATIP Directorate trained more than 275 staff on ATIP protocols.

Ultimately, staff training will continue to improve AANDC's capacity to meet their legislative obligations including the "duty to assist" requestors, as per the *Federal Accountability Act* (FAA).

7.2 Backlog Resolution

This year, the ATIP Directorate faced significant challenges brought about by the accumulation of late ATI requests carried forward from previous years. This backlog of requests arose primarily from extensive capacity issues and staff turnaround within the Directorate. As a result, in November 2010 the backlog had grown to 115 late requests.

Recognizing this issue, the ATIP Directorate undertook a comprehensive backlog resolution strategy in order to eliminate the backlog and continue promoting timely access to AANDC

records. The strategy details the progress of each backlog file and projects target dates for their release. Since regular monitoring of the backlog first began in November 2010, its size has been reduced from 115 to 63 requests. This represents a numeric decline of 52 requests, or a percentage reduction of 45.22%. It is anticipated that the backlog will be fully eliminated by Q3 of the 2011-2012 reporting period.

8. Changes to the Organization, Policies, Guidelines and Procedures

AANDC implemented the following novel procedures during the reporting period:

8.1 Proactive Disclosure of Completed Access to Information Requests

By proactively disclosing government information on departmental websites, Canadians and Parliament are better able to hold the Government and public sector officials to account. To this end, TBS has proposed that institutions post a monthly list of summaries, in both official languages, of completed access to information requests. AANDC launched its Proactive Disclosure page on Completed Access to Information Requests (http://www.ainc-inac.gc.ca/prodis/atip/rqs-eng.asp) at the end of December 2010. The webpage lists all completed requests dating back to April 2010. The posting of completed access to information requests also allows the ATIP Directorate to treat some incoming access requests informally by simply reproducing a previous release package.

8.2 Management and Use of Electronic Mail (Email)

AANDC implemented sound Information Management (IM) practices for the management of e-mail records. This includes avoiding duplication of email correspondence in subject files, ensuring that emails are relevant to the subject matter, identifying records of business activities, creating folders to contain similar e-mail messages, deleting e-mail messages which are no longer required in a timely fashion and filing or archiving messages in the appropriate tracking systems. AANDC's proactive support to this initiative has ensured a decrease in the volume of pages of Access to Information requests and has improved AANDC's information management practices as a whole.

Appendix A. *ATIA* Order of Delegation dated May 26, 2008.

Ministre des Affaires indiennes et du Nord canadien et interlocuteur fédéral auprès des Métis et des Indiens non inscrits

Minister of Indian Affairs and Northern Development and Federal Interlocuto for Métis and Non-Status Indians

Ottawa, Canada K1A 0H4

***Loi sur l'accès à l'information* - Ordonnance de délégation de pouvoirs**	***Access to Information Act* – Delegation Order**
En application des pouvoirs de désignation qui me sont conférés en vertu de l'article 73 de la *Loi sur l'accès à l'information*, j'autorise par les présentes les employés exerçant des fonctions ou occupant le poste de secrétaire du Ministère, Secrétariat du Ministère (numéro de poste 12294), le coordonnateur (numéro de poste 62185) de l'Accès à l'information et de la protection des renseignements personnels et les employés qui leur succéderont, y compris les employés qui les remplacent en leur absence, ou toute personne ou agent désigné par écrit pour les remplacer, à exercer ces pouvoirs, responsabilités ou fonctions dévolus au ministre en tant que chef de cette institution administrative en vertu de la Loi, et tel qu'énoncés dans l'annexe A ci-jointe.	Pursuant to the powers of designation conferred upon me by Section 73 of the *Access to Information Act*, the persons exercising the functions or positions of Corporate Secretary, Corporate Secretariat (position number 12294), and the departmental Access to Information and Privacy Coordinator (position number 62185) and their respective successors, including in their absence, a person or officer designated in writing to act in the place of the holder of any such functions or positions are hereby designated to exercise those powers, duties or functions of the Minister as the Head of the government institution under the Act, and as set out in the attached Schedule A.
J'autorise par la présente les conseillers principaux de l'Accès à l'information et de la protection des renseignements personnels (numéros de postes 62364, 12590, 12061 et 12058) et ceux qui leur succéderont, y compris, en leur absence, toute personne ou agent désigné par écrit pour agir en son nom, à exercer les pouvoirs, les responsabilités ou les	The departmental Access to Information and Privacy Senior Advisors (position numbers 62364, 12590, 12061 and 12058) and their respective successors, including in her/his absence, a person or officer designated in writing as being authorized to act in the place of the holder of any such function or position, are hereby designated to exercise those powers,

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fonctions dévolus au ministre en tant que chef de cette institution administrative du gouvernement en vertu de la Loi, et tel qu'énoncés dans l'annexe B ci-jointe.

duties or functions of the Minister as the Head of the government institution under the Act, and as set out in the attached Schedule B.

Ministre des Affaires indiennes et du Nord canadien
Minister of Indian Affairs and Northern Development

Signé à Gatineau, le 26e mai, 2008
Dated at Gatineau, the 26 of May, 2008

Appendix A. *ATIA* Order of Delegation dated May 26, 2008. *cont'd*

SCHEDULE A

DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT
SCHEDULE TO DELEGATION ORDER

DESIGNATION PURSUANT TO SECTION 73 OF THE ATIA

Sections and Powers, Duties or Functions

6 Advise requestors that we need additional information to proceed with their request
7(a) Give written notice to requestor that we can proceed with the request
8(1) Transfer request to another institution or accept transfer from another institution
9 Extend time limits
10 Refuse to acknowledge or deny the existence of records
11 Charge additional fees
12(2)(3) Provide access in alternate format
13 Exempt information obtained in confidence
14 Exempt information pertaining to federal-provincial affairs
15 Exempt information pertaining to international affairs and/or defence
16 Exempt information pertaining to law enforcement and investigations
17 Exempt information pertaining to the safety of individuals
18 Exempt information pertaining to the economic interests of Canada
19 Exempt personal information
20 Exempt or disclose third party information
21 Exempt information pertaining to advice, decision-making processes of government plans and positions etc.
22 Exempt information pertaining to testing procedures or audits
23 Exempt information pertaining to solicitor-client privilege
24 Exempt information subject to statutory prohibitions or other Acts of Parliament
25 Sever information
26 Exempt information to be published within 90 days
27(1)(4) Notify third parties of their rights to provide communications/representations regarding the disclosure of their records
28 Receive third party representations; make a decision as to whether to disclose the record or part thereof; and, notify third party of the right to appeal to the Federal Court
29(1) Disclose information on Information Commissioner during an investigation
33 Advise the Information Commissioner of any third party involvement
35(2) Make representations to the Information Commissioner during an investigation
37(4) Release information to complainant
43(1) Issue a notice to a third party of an application for Court review
44(2) issue a notice to an applicant that a third party has applied for Court review

52 Request special rules for hearings
69 Exclude Cabinet Confidences
71 Inspect and exempt information in manuals
72(1) Prepare Annual Report to Parliament
77 Carry out responsibilities conferred to the Head of institution by the regulations made under section 77 which are not included in the above

SCHEDULE B

DEPARTMENT OF INDIAN AND NORTHERN DEVELOPMENT
SCHEDULE TO DELEGATION ORDER

DESIGNATION PURSUANT TO SECTION 73 OF THE ATIA

Sections and Powers, Duties or Functions

6 Advise requestors that we need additional information to proceed with their request
7(a) Give written notice to requestors that we can proceed with their request
8(1) transfer request to another institution or accept transfer from another institution
9 Extend time limits
11 Charge additional fees
27(1)(4) Notify third parties of their rights to provide comments/representations regarding the disclosure of their records
28 Receive third party representations; make a decision as to whether to disclose the record or part thereof; and, notify third party of right to appeal to Federal Court
33 Advise the Information Commissioner of any third party involvement
35(2) Make representations to the Information Commissioner during an investigation
43(1) Issue a notice to a third party of an application for Court review
44(2) Issue a notice to an applicant that a third party has applied for Court review

Appendix B. *ATIA* Order of Delegation dated November 3, 2010.

Ministre des Affaires indiennes et du Nord canadien, interlocuteur fédéral auprès des Métis et des Indiens non inscrits et ministre de l'Agence canadienne de développement économique du Nord

Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency

Ottawa, Canada K1A 0H4

NOV - 3 2010

Loi sur l'accès à l'information - Ordonnance de délégation de pouvoirs

En application des pouvoirs de désignation qui me sont conférés en vertu de l'article 73 de la *Loi sur l'accès à l'information*, j'autorise par les présentes les employés exerçant des fonctions ou occupant le poste de Secrétaire du ministère, secrétariat du ministère (**numéro** de poste 12294), le Coordonnateur (**numéro** de poste 62185) de l'Accès à l'information et de la protection des renseignements personnels et les employés qui les succéderont, y compris les employés qui les remplacent en leur absence, ou toute personne ou agent désigné par écrit pour les remplacer, à exercer ces pouvoirs, responsabilités ou fonctions dévolus au ministre en tant que Chef de cette institution administrative en vertu de la *Loi*, et tel qu'énoncés dans l'annexe A ci-jointe.

J'autorise par la présente les conseillers principaux de l'Accès à l'information et de la protection des renseignements personnels (**numéros** de postes 62364, 12590 et 12061) et ceux qui les succéderont, y compris, en leur absence, toute personne ou agent désigné par écrit pour agir en son nom, à exercer les pouvoirs, les responsabilités ou les fonctions dévolus au ministre en tant que Chef

Access to Information Act – Delegation Order

Pursuant to the powers of designation conferred upon me by Section 73 of the *Access to Information Act*, the persons exercising the functions or positions of Corporate Secretary, Corporate Secretariat (position **number** 12294), and the departmental Access to Information and Privacy Coordinator (position **number** 62185) and their respective successors, including in their absence, a person or officer designated in writing to act in the place of the holder of any such functions or positions are hereby designated to exercise those powers, duties or functions of the Minister as the Head of the government institution under the *Act*, and as set out in the attached Schedule A.

The departmental Access to Information and Privacy Senior Advisors (position **numbers** 62364, 12590 and 12061) and their respective successors, including in her/his absence, a person or officer designated in writing as being authorized to act in the place of the holder of any such function or position, are hereby designated to exercise those powers, duties or functions of the Minister as

Canada

de cette institution administrative du gouvernement en vertu de la *Loi*, et tel qu'énoncés dans l'annexe B ci-jointe.

the Head of the government institution under the *Act*, and as set out in the attached Schedule B.

Ministre des Affaires indiennes et du Nord Canadien
Minister of Indian Affairs and Northern Development

Signé à Gatineau, le 2010
Dated at Gatineau, the 3rd of, November 2010

Appendix B. *ATIA* Order of Delegation dated November 3, 2010. *cont'd*

SCHEDULE A

DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT
SCHEDULE TO DELEGATION ORDER

DESIGNATION PURSUANT TO SECTION 73 OF
THE ACCESS TO INFORMATION ACT

Sections and Powers, Duties or Functions

6	Advise requesters that we need additional information to proceed with their request
7(a)	Give written notice to requestor that we can proceed with the request
8(1)	Transfer request to another institution or accept transfer from another institution
9	Extend time limits
10	Refuse to acknowledge or deny the existence of records
11	Charge additional fees
12(2)(3)	Provide access in alternate format
13	Exempt information obtained in confidence
14	Exempt information pertaining to federal-provincial affairs
15	Exempt information pertaining to international affairs and/or defence
16	Exempt information pertaining to law enforcement and investigations
17	Exempt information pertaining to the safety of individuals
18	Exempt information pertaining to the economic interests of Canada
19	Exempt personal information
20	Exempt or disclose third party information
21	Exempt information pertaining to advice, decision-making processes of government plans and positions etc.
22	Exempt information pertaining to testing procedures or audits
23	Exempt information pertaining to solicitor-client privilege
24	Exempt information subject to statutory prohibitions or other *Acts* of Parliament
25	Sever information
26	Exempt information to be published within 90 days
27(1)(4)	Notify third parties of their rights to provide comments/representations regarding the disclosure of their records
28(4)	Receive third party representations; make a decision as to whether to disclose the record or part thereof; and, notify third party of right to appeal to Federal Court
29(1)	Disclose information on Information Commissioner's recommendation
33	Advise the Information Commissioner of any third party involvement
35(2)	Make representations to the Information Commissioner during an investigation
37(4)	Release information to complainant
43(1)	Issue a notice to a third party of an application for Court review
44(2)	Issue a notice to an applicant that a third party has applied for Court review
52	Request special rules for hearings

69	Exclude Cabinet Confidences
71	Inspect and exempt information in manuals
72(1)	Prepare Annual Report to Parliament
77	Carry out responsibilities conferred to the Head of the institution by the regulations made under section 77 which are not included in the above

SCHEDULE B

DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT
SCHEDULE TO DELEGATION ORDER

DESIGNATION PURSUANT TO SECTION 73 OF THE ACCESS TO INFORMATION ACT

Sections and Powers, Duties or Functions

6	Advise requesters that we need additional information to proceed with their request
7(a)	Give written notice to requestor that we can proceed with the request
8(1)	Transfer request to another institution or accept transfer from another institution
9	Extend time limits
11	Charge additional fees
27(1)(4)	Notify third parties of their rights to provide comments/representations regarding the disclosure of their records
28(1)(2)	Receive third party representations.
28(4)	Make a decision as to whether to disclose the record or part thereof; and, notify third party of right to appeal to Federal Court
33	Advise the Information Commissioner of any third party involvement
35(2)	Make representations to the Information Commissioner during an investigation
43(1)	Issue a notice to a third party of an application for Court review
44(2)	Issue a notice to an applicant that a third party has applied for Court review

Appendix C. AANDC Statistical Report on the *ATIA.*

Government of Canada / Gouvernement du Canada

REPORT ON THE ACCESS TO INFORMATION ACT
RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATON

Institution				Reporting period / Période visée par le rapport	
Affaires indiennes et du Nord Canada / Indian and Northern Affairs Canada				2010-04-01 à/to 2011-03-31	
Source	Media / Médias	Academia / Secteur universitaire	Business / Secteur commercial	Organization / Organisme	Public
	77	13	27	33	162

I *Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information*

Received during reporting period / Reçues pendant la période visée par le rapport	312
Outstanding from previous period / En suspens depuis la période antérieure	100
TOTAL	412
Completed during reporting period / Traitées pendant la période visées par le rapport	278
Carried forward / Reportées	134

II *Disposition of requests completed / Disposition à l'égard des demandes traitées*

1.	All disclosed / Communication totale	39	6.	Unable to process / Traitement impossible	43
2.	Disclosed in part / Communication partielle	90	7.	Abandoned by applicant / Abandon de la demande	83
3.	Nothing disclosed (excluded) / Aucune communication (exclusion)	1	8.	Treated informally / Traitement non officiel	2
4.	Nothing disclosed (exempt) / Aucune communication (exemption)	17	**TOTAL**		**278**
5.	Transferred / Transmission	3			

III *Exemptions invoked / Exceptions invoquées*

S. Art. 13(1)(a)	0	S. Art. 16(1)(a)	0	S. Art. 18(b)	1	S. Art. 21(1)(a)	19
(b)	0	(b)	0	(c)	0	(b)	17
(c)	4	(c)	3	(d)	2	(c)	10
(d)	0	(d)	0	S. Art. 19(1)	71	(d)	3
S. Art. 14	3	S. Art. 16(2)	3	S. Art. 20(1)(a)	1	S. Art.22	4
S. 15(1) Art. International rel. / Relations intern.	0	S. Art. 16(3)	0	(b)	33	S. Art.23	13
Defence / Défense	2	S. Art. 17	3	(c)	18	S. Art. 24	0
Subversive activities / Activités subversives	0	S. Art. 18(a)	7	(d)	9	S. Art.26	1

IV *Exclusions cited / Exclusions citées*

S. Art. 68(a)	4	S. Art. 69(1)(c)	0
(b)	0	(d)	2
(c)	0	(e)	3
S. Art. 69(1)(a)	1	(f)	0
(b)	0	(g)	7

V *Completion time / Délai de traitement*

30 days or under / 30 jours ou moins	94
31 to 60 days / De 31 à 60 jours	47
61 to 120 days / De 61 à 120 jours	47
121 days or over / 121 jours ou plus	90

VI *Extensions / Prorogations des délais*

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	20	29
Consultation	8	18
Third party / Tiers	2	26
TOTAL	30	73

VII *Translations / Traduction*

Translations requested / Traductions demandées		0
Translations prepared /	English to French / De l'anglais au français	0
Traductions préparées	French to English / Du français à l'anglais	0

VIII *Method of access / Méthode de consultation*

Copies given / Copies de l'original	129
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

IX *Fees / Frais*

Net fees collected / Frais net perçus			
Application fees / Frais de la demande	$1 350.00	Preparation / Préparation	$0.00
Reproduction	$1 275.70	Computer processing / Traitement informatique	$0.00
Searching / Recherche	$0.00	**TOTAL**	$ 2 625.70

Fees waived / Dispense de frais	No. of times / Nombre de fois	$
$25.00 or under / 25 $ ou moins	27	**$ 180.80**
Over $25.00 / De plus de 25 $	37	**$ 44 268.90**

TBS/SCT 350-62 (Rev. 1999/03)

X *Costs / Coûts*

Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	**$ 739 897.34**
Administration (O and M) / Administration (fonctionnement et maintien)	**$ 110 515.51**
TOTAL	**$ 850 412.85**

Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	**10.95**

In addition to the reporting requirements addressed in the TBS Statistical Report, institutions are required to report supplemental information on exemptions and exclusions invoked. AANDC's Supplemental Reporting Requirements are as follows:

Table C-1. Supplemental Reporting Requirements for the 2010-2011 *ATIA* Statistical Report

Part III – Exemptions Invoked			
Section 13			
	Paragraph	13(1)(e)	0
Section 16			
	Subsections	16.1(1)(a)	0
		16.1(1)(b)	0
		16.1(1)(c)	0
		16.1(1)(d)	0
		16.2(1)	0
		16.3	0
		16.4(1)(a)	0
		16.4(1)(b)	0
		16.5	0
Section 18			
	Subsections	18.1(1)(a)	6
		18.1(1)(b)	0
		18.1(1)(c)	0
		18.1(1)(d)	0
Section 20			
	Subsections	20(1)(b.1)	4
		20.1	0
		20.2	0
		20.4	0
Section 22			
	Subsection	22.1(1)	3
Part IV – Exclusions Cited			
Section 68			
	Subsections	68.1	0
		68.2(a)	0
		68.2(b)	0
Section 69			
	Subsection	69.1(1)	0